

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

CLYDE MILLNER,

Petitioner,

v.

CIVIL ACTION NO. 5:22-cv-00595

WARDEN, FCI BENNETTSVILLE,

Respondent.

ORDER

Pending are Petitioner Clyde Millner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 [ECF 1], filed December 21, 2021, and Respondent Katina Heckard's Motion to Dismiss [ECF 17], filed October 16, 2024. This action was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). Magistrate Judge Tinsley filed his PF&R on December 10, 2024, [ECF 19], recommending that the Court grant Respondent's Motion to Dismiss, deny the Petition as moot due to Petitioner's release from Bureau of Prisons' custody without collateral consequences related to his claims, and dismiss this action.

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-*

Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically “appeal a magistrate judge’s findings that were not objected to below, as § 636(b) doesn’t require de novo review absent objection.”); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on December 27, 2024. No objections were filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 19], **GRANTS** Respondent’s Motion to Dismiss [ECF 17], **DISMISSES** as moot the § 2241 Petition [ECF 1], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTER: December 30, 2024



Frank W. Volk
Frank W. Volk
Chief United States District Judge